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Attorneys for Plaintiffs
ROCHE PALO ALTO LLC and ALLERGAN, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROCHE PALO ALTO LLC, formerly known
as Syntex (U.S.A.) LLC, and
ALLERGAN, INC., a Delaware corporation,

Plaintiffs and Counter-Defendants,

v.

APOTEX, INC., a Canada corporation, and
APOTEX CORP., a Delaware corporation,

Defendants and Coutner-Plaintiffs.

Case No.: C 05 02116 MJJ

**STIPULATION AND [PROPOSED]
ORDER RE TIME TO RESPOND TO
COUNTERCLAIM**

1 WHEREAS, on May 24, 2005, Plaintiffs and Counter-Defendants Roche Palo Alto LLC and
2 Allergan, Inc. commenced the present action by filing a Complaint for infringement of United
3 States Patent No. 5,110,493 (“the ‘493 patent”) by Defendants and Counter-Plaintiffs Apotex, Inc.
4 and Apotex, Corp.

5 WHEREAS, on July 25, 2005, Defendants and Counter-Plaintiffs answered the Complaint
6 and filed a Counterclaim seeking, *inter alia*, declaratory relief that the ‘493 patent be adjudged
7 invalid and unenforceable.

8 WHEREAS, on August 16, 2005, counsel for Plaintiffs and Counter-Defendants requested
9 from counsel for Defendants and Counter-Plaintiffs that the deadline for filing Plaintiffs and
10 Counter-Defendants’ response to the Counterclaim be postponed;

11 WHEREAS, the parties wish to agree on a date certain for Plaintiffs and Counter-
12 Defendants to respond to the Counterclaim in this matter; and

13 THEREFORE, by and through their respective undersigned counsels, the parties hereby
14 stipulate that Plaintiffs and Counter-Defendants’ response to Defendants and Counter-Plaintiffs’
15 Counterclaim shall be due on August 26, 2005.

1 IT IS SO STIPULATED.

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3 DATED: August 17, 2005

/s/

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Attorneys for Plaintiffs and Counter-Defendants
ROCHE PALO ALTO LLC and ALLERGAN, INC.

10
11 DATED: August 17, 2005

/s/

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Attorney for Defendants and Counter-Plaintiffs
APOTEX, INC. and APOTEX CORP.

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20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 DATED: August 19, 2005



The Honorable Martin J. Jenkins
United States District Judge
For the Northern District of California